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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,032	09/28/2001	Monte J. Rhoads	42390P12320	4834

7590 09/15/2005

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EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,032

Applicant(s)

RHOADS, MONTE J.

Examiner

Thuan N. Du

Art Unit

2116

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 7/21/05) and IDS (dated 7/7/05).
2. Claims 1-52 have been cancelled. Claims 53-67 have been added.
3. Claims 53-67 are presented for examination.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

5. Claim 67 is objected to because of the following informalities: claim 67 did not specify which claim it depends on. To expedite the examination process, examiner considers claim 67 depends on claim 64. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. Claims 53-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fung (U.S. Patent No. 6,859,882) and DeBettencourt et al. [DeBettencourt] (U.S. Patent No. 6,279,001).
7. Regarding claim 53, Fung teaches a method for dynamic server power management comprising:

determining a number of client connections to a server [col. 33, line 57-62]; and

selecting a power state for a processor of a server based on the determination [col. 33, lines 57 to col. 34, line 7; col. 38, line 65 to col. 39, line 6; col. 40, lines 33-36, 60-63].

Fung does not explicitly teach that a representation of a network processing load associated with the server is determined based on whether each of connections to the sever is secure or un-secure.

DeBettencourt teaches a system, wherein a server determines a representation of a network processing load associated with the server based on the secure connection of the client [col. 7, line 52 to col. 8, line 5].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Fung and DeBettencourt because it increase the reliability and reduce the power consumption of the system by allowing the system to accurately determine the power mode for the server based on the load connections to the server.

8. Regarding claim 54, one of ordinary skill in the art would have recognized that in order to determine the number of connections to the server, the counting step has to be performed.

9. Regarding claim 55, Fung teaches that the selection comprises selecting the power state from one of a plurality of operational power consuming states including a first state having a first processor core operating frequency and a second state having a second, higher processor core operating frequency [col. 34, lines 53-65; col. 35, lines 27-39].

10. Regarding claim 56, Fung teaches that the processor core operating frequency is at least 733 MHz [col. 38, lines 30-41].

11. Regarding claim 57, it would have been obvious to one of ordinary skill in the art to recognize that Fung and DeBettencourt would do the same process for the next client or group of clients.

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12. Regarding claim 58, Fung teaches that the method further comprising implementing the power state on the processor [col. 34, lines 53-65].

13. Regarding claims 59-63, Fung and DeBettencourt together teach the claimed method steps. Therefore, Fung and DeBettencourt together teach the instructions stored in a machine-readable medium for carrying out the claimed method steps.

14. Regarding claims 64-67, Fung and DeBettencourt together teach the claimed method steps. Therefore, Fung and DeBettencourt together teach the apparatus to implement the claimed method steps.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:00 am - 5:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.


Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a long horizontal flourish extending to the right.

Thuan N. Du
August 30, 2005